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C O N F I D E N T I A L SECTION 01 OF 05 HANOI 000003

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SUBJECT: Ambassador cautions Vice Foreign Minister that deteriorating human rights situation could complicate bilateral relations

REF: HANOI 0001; STATE 3079

CLASSIFIED BY: Virginia Palmer, Deputy Chief of Mission, State,
Embassy Hanoi; REASON: 1.4(B), (D)

¶1. (C) Summary: The Ambassador used his January 13 working lunch with VFM Pham Binh Minh to discuss managing the overall relationship this year in the context of deteriorating human rights situation, the 15th anniversary of re-normalization of bilateral relations, and the lead-up to the Party Congress in January 2011. The Ambassador cautioned that the GVN's poor handling of the Bat Nha and Dong Chiem situations, together with the crackdown on freedom of information and the upcoming trials of Le Cong Dinh and others, could complicate efforts to move relations forward. PBM took note but gave no indication the GVN would alter its positions. He confirmed PM Dung will attend the President's Nuclear Summit meeting in April and would request an Oval Office meeting. He undertook to investigate the feasibility of a suggestion made by Senator Bond that Vietnam assist in efforts to reduce poppy production in Afghanistan. On Vietnam's ASEAN chairmanship, PBM said Vietnam will strive to make the organization stronger but did not offer assurances Vietnam will take on tough issues like Burma or strengthening the newly-created human rights body. He noted ASEAN FMs had agreed that the second U.S.-ASEAN Leaders Summit should be in Hanoi; the Ambassador noted the U.S. had not yet decided on timing or venue. PBM predicted preparations for the Party Congress would not slow down decision making on trade/investment and, notably, defense/security issues, but could do so on "sensitive" issues. The Ambassador pressed hard for increases in Embassy staffing, support for the Copenhagen accord, and high-level meetings for U/S Kennedy during his March visit to discuss NEC-related issues. End summary.

¶2. (SBU) The Ambassador met with Vice Foreign Minister Pham Binh Minh (PBM) January 13. During the two-hour working lunch, the Ambassador and PBM exchanged views on a wide range of issues, including the deteriorating human right situation in Vietnam, PM Dung's visit to Washington in April for the Nuclear Summit, ASEAN, the January 2011 Vietnamese Party Congress, climate change, Mission staffing and the NEC. Political Counselor and MFA Americas Department Deputy Director Dzung Viet Vu also attended.

Human Rights

¶3. (SBU) PBM and the Ambassador opened by exchanging views on the recent congressional delegation visits to Vietnam (Codel Faleomavaega and Codel Bond). After noting that both visits were

positive and furthered engagement, the Ambassador reminded PBM that both delegations expressed concern about the deteriorating human rights situation in Vietnam. Representative Cao remained convinced that Vietnam should be returned to the Countries of Particular Concern (CPC) list, and USIRF recently sent a letter to the President with a similar recommendation. The Ambassador said the deteriorating human rights situation was souring the mood in Washington. The GVN's poor handling of Bat Nha and Dong Chiem (ref. A), particularly the excessive use of force and violence, overshadowed progress on IRF issues and complicated efforts to move relations forward. The violence must end. Alluding to Vietnam's recent moves to block Facebook, as well as restrictive decrees on media and on independent scientific/research institutions, the Ambassador stressed that efforts to clamp down on information only made matters worse. The U.S. was interested in deepening engagement with Vietnam and moving relations forward, but the worsening human rights situation could complicate efforts. PBM took the message but was non-committal and at times outright dismissive.

14. (SBU) The Ambassador concentrated on the upcoming trials of Le Cong Dinh and others (reportedly scheduled for January 20) as a focal event that would heighten international criticism of Vietnam's human rights performance and could increase pressure in Washington to "punish" Vietnam. The Ambassador urged PBM to allow the U.S. and other diplomatic missions to observe these trials, noting that we and diplomatic colleagues were still awaiting a response from the GVN. PBM claimed the Foreign Ministry is under

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considerable pressure not to allow foreigners to observe such trials, particularly since some "foreign journalists" take photos of the proceedings and disseminate them. Noting that foreign observers are typically not permitted to sit in the actual trial chambers, but observe proceedings on closed-circuit television in a separate room, the Ambassador said that it would be a simple matter to disallow cameras. Barring foreign diplomatic missions from observing the trials altogether would only lead to further international condemnation, the Ambassador warned. The Ambassador also reiterated his request to visit Father Ly, noting that he had not been permitted to do so since Father Ly suffered a second stroke in October. PBM was non-committal. (Note: During a meeting with Political Counselor earlier in the week, a senior MPS colonel questioned the need for the Ambassador to visit Father Ly again, noting that Father Ly's health was "good" and wondering why the U.S. was so interested in "this one case." End note.)

PM Dung to Washington

15. (SBU) PBM said it was "100 percent certain" PM Dung would attend the President's Nuclear Summit meeting in Washington in April, stressing that Dung was particularly interested in non-proliferation issues and wants to support the President's agenda. PBM said the PM has tasked the MFA with arranging a bilateral program in the U.S., including a meeting with the President and other senior officials in Washington. The PM also might visit Chicago to promote Vietnamese business. (Note: The Vietnamese have expressed interest in opening a consulate in Chicago. End note.) PBM asked the Ambassador to work with the MFA to make this happen. The Ambassador said he would relay PBM's request, but reiterated that Vietnam's human rights situation could make it hard to secure an Oval Office meeting. PBM replied with seeming confidence that the mood in Washington in 2007 before the PM's visit was worse, and yet the PM was received in the White House. The Ambassador again cautioned PBM against counting on an Oval Office meeting and urged Vietnam to improve its human rights record now. PBM offered that PM Dung's planned attendance at the two G-20 meetings this year in South Korea and Canada were

potential opportunities for meetings between Vietnamese and U.S. leaders. Returning to the Nuclear Summit, the Ambassador noted that State/ISN was considering sending a delegation to visit Vietnam in February to discuss the Nuclear Summit and related issues. PBM welcomed the news and agreed such a visit would be useful.

16. (SBU) PBM queried the Ambassador about other high-level engagement opportunities to move forward relations. The Ambassador said the Secretary was interested in holding a second Lower Mekong Initiative (LMI) meeting and considering visiting around the time of the ASEAN Regional Forum (ARF), but cautioned that a final decision had not been made. The USG also is exploring possible visits by the Secretaries of Commerce and Energy. PBM asked if SecDef would visit Vietnam this year, noting that Defense Minister Thanh had extended an invitation to Secretary Gates during their December 2009 meeting in Washington. The Ambassador replied that the Office of the Secretary of the Defense was positively considering the request, but had not made an official decision. The Ambassador noted that during their meeting, SecDef and Defense Minister Thanh had agreed to raise the level of OSD-MOD dialogue, and DASD Shear would be visiting Vietnam during the first quarter of 2010. PBM welcomed the visit and asked if an enhanced dialogue between OSD and the Defense Ministry would replace the State-MFA Pol-Mil security dialogue. The Ambassador replied "no," noting that the two dialogues were important, complimentary avenues for engaging on defense and security issues.

17. (SBU) The Ambassador expressed his appreciation for the GVN's past support for facilitating ship visits, and expressed his interest in trying to work with the U.S. military and the GVN to bring an aircraft carrier to Vietnam this year. PBM agreed last year's flyout to an aircraft carrier (USNS Stennis) was a success and received positive, front-page coverage in the Vietnamese press. When asked, PBM did not dismiss outright the idea of bringing a

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large, aircraft carrier to Vietnam, offering his personal view that it could be "a good ending to last year's visit."

ASEAN

18. (SBU) The Ambassador previewed the Secretary's January 12 speech on regional architecture in Asia. PBM was interested in the contents and said he looked forward to reading it. (Note: Post subsequently provided his office a copy and will follow up with our MFA contacts and others to gauge their reaction. End note.)

19. (C) The Ambassador solicited PBM's views on Vietnam's goals for 2010 as ASEAN chair. PBM replied that VN's top goals were implementing the ASEAN charter ("making ASEAN stronger"), and convening the second ASEAN-U.S. Leaders Meeting in Vietnam. Drawing upon earlier guidance, the Ambassador encouraged Vietnam to exercise leadership on Burma. Vietnam should also use its chair to ensure the newly-created human rights body has "real teeth." PBM replied that the other ASEAN members (including Indonesia) had reached consensus that the second U.S.-ASEAN Leaders meeting should be in Hanoi. The Ambassador replied that the U.S. had not decided on timing or venue. On Burma, PBM listened attentively to the Ambassador's points, but did not offer specifics or preview how the ASEAN FMs would handle Burma during their retreat in Danang on January 13-14 other than to say that "all issues" (including the South China Sea) would be on the table. PBM was dismissive of the human rights body, and noted it would be tough to do anything

significant in this area given "domestic sensitivities" in the lead up to the Party Congress.

Embassy Staffing

¶10. (SBU) The Ambassador hit PBM hard and repeatedly on staffing throughout the meeting, urging the Foreign Ministry and the rest of the GVN to approve the pending positions. PBM reported that "soon" the MFA would notify us formally that the GVN had approved five pending requests: one USAID position, one CDC position, one "international relations officer," (we suspect this may be the APP officer we had requested be posted in HCMC) one economics/crime position (likely the Treasury anti-money laundering position), and one consular position in HCMC. The Ambassador fired back it was unacceptable for the GVN to place a ceiling on our staffing, noted it limited our ability to move relations forward, and urged PBM to do the necessary to lift the restrictions. PBM alleged that the MFA was under considerable pressure from the MPS to control the number of U.S. personnel in the country, noting that "MPS does not like the fact you have people running all over the country."

¶11. (SBU) PBM asked the Ambassador defensively, "Why are you so demanding," and then urged the Ambassador to be patient. The Ambassador replied that he had been more than patient, noting that some of our requests have been pending for nearly two years. He added that the GVN was "interfering in U.S. internal affairs." PBM suggested the U.S. work through Project 30 (the USAID-funded project on Administrative Reform) to amend VN law to allow the MFA to lift the ceiling on all diplomatic mission personnel. The Ambassador rejected the idea, saying it was unnecessary, it would take years, and the GVN had the authority now to allow us to staff our Embassy as we see fit.

New Embassy Compound

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¶12. (SBU) PBM said the Vietnamese press recently had reported that the GVN had instructed all government agencies and organizations to return all unused land by the end of the year, given the increasing price of land and the increasing scarcity of it close to the city center. PBM urged the Ambassador to accept the GVN offer regarding the NEC, noting that "otherwise, the next time you want new land, it will be much more expensive and far away from the city." To stress the point, PBM said "I am putting all of the cards on the table - the longer you wait, the worse it will be." PBM also reiterated the GVN's desire to purchase property in the U.S. for its diplomatic missions. "If we (the GVN) lose enthusiasm for purchasing property in the U.S., or if I move on, it is over." (Comment: Though obnoxious, we believe that PBM is telling it like he thinks it is. End comment.) PBM then implored the Ambassador to "push your people" to accept the GVN's terms. The Ambassador reiterated Washington's requirement for an automatic/free or no cost renewal of the 99 year lease currently stipulated in Vietnamese law, and noted that U/S Kennedy would be visiting in March. He encouraged PBM to ensure that the right people were available to meet with him to discuss the matter.

Slowdown before CPV Congress?

¶13. (C) The Ambassador asked PBM how preparations for the January 2011 Party Congress would affect internal decision-making. PBM predicted there would not be a slowdown in decision-making on "trade and investment" issues, noting that the Communist Party leaders needed "good news" before the Party Congress. However, there might be a slowdown on "sensitive" issues, and cautioned against pressing too hard on such issues so as to not give ammunition to those who want to intensify the crackdown further. Asked if such "sensitive" issues included defense/security issues, PBM explicitly said "no," explaining that the public mood before and after the Defense Minister's visit to Washington in December was "very positive" and Vietnamese citizens support efforts to strengthen Vietnam's defense capability. (Comment: We suspect the GVN's definition of sensitive issues might include but not be limited to staffing, Peace Corps, human rights, governance, and rule of law. End comment.)

Support for Afghanistan

¶14. (C) The Ambassador followed up Senator Bond's suggestion to DPM/FM Pham Gia Khiem during their January 11 meeting that Vietnam use its experience in crop substitution to help efforts to assist Afghan provinces that are engaged in efforts to reduce poppy cultivation. PBM replied that Vietnam had attended past international meetings on reconstruction efforts in Afghanistan and, in general, was willing to be supportive. While noting the questions of "how to help" and "how to pay for it" had to be worked out, PBM thought the Ministry of Agriculture could be in a position to assist. (Comment: PBM's positive comments aside, we question whether the GVN has the political will to make a decision to support reconstruction efforts in Afghanistan, particularly given Vietnam's reluctance to take on new foreign policy initiatives during the run up to the Party Congress in January 2011. Before the Department and others move forward, Post recommends that we engage our Foreign Ministry and Agriculture Ministry contacts further on the prospects for Vietnamese support. End comment.)

Climate Change

¶15. (SBU) The Ambassador delivered ref. B demarche encouraging Vietnam to support the Copenhagen accord, noting that he would make

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a similar request to the Minister of Natural Resources and Environment. PBM listened and read the non-paper, but did not offer a substantive response.

Changes at the MFA

¶16. (SBU) PBM declined to speculate on his own future at the MFA and dismissed rumors that he, DPM/Minister of Education Nhan, or anyone else would replace DPM/FM Khiem this year. PBM said he would be back at the MFA in the same capacity next year, and that it was early to speculate on such personnel changes.

¶17. (C) Comment: PBM was upbeat, candid and confident throughout the meeting. His apparent lack of concern over the Ambassador's warnings about the souring mood in Washington over Vietnam's deteriorating human rights record was troubling but par for the course, and track with the reactions displayed by a senior MPS official earlier this week. We suspect the CPV leadership long ago reached consensus on cracking down on all forms of dissent in the lead up to the Party Congress, calculating that our larger strategic interests in the region -- coupled with a perceived lack of real leverage -- would compel the United States to continue to move forward with Vietnam, human rights setbacks or not. PBM's responses to our requests on Burma, Embassy staffing and Le Cong Dinh's trial are frustrating but again not surprising, given Vietnam's "sensitivities" in these areas. We will continue to press ahead in these and other areas, recognizing the limitations. In our view, the best course of action remains engaging Vietnam across the entire range of issues, including exploring new opportunities in non-sensitive areas (e.g. climate change, health, trade and defense/security) while maintaining sustained, high-level engagement (and occasional confrontation) on issues such as human rights and staffing.

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